IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.50568 of 2007
BAL KISHUN @ BAL KISHUN PASWAN @ BAL KISHU
Versus
STATE OF BIHAR
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4. 1.5.2008 Heard.

This is a case under section 302/34 of the Indian Penal Code.

This is a case of double murder and as per allegation, the petitioner alongwith others fired on the deceased.

Learned counsel for the petitioner submitted that regarding the assailant who had caused the death of the deceased Pappu, there is no specific allegation against any of the accused. Regarding deceased Sudhir, there is allegation in the F.I.R. that one co-accused of this case had fired at him, as a result of which he fell down. Later on after 2-3 lines it has again been mentioned in the F.I.R. that the informant and others turned back, while fleeing away from the P.O. out of fear, and saw that several other accused persons were also firing on one of the deceased including the petitioner. Learned counsel submitted that this statement does not appear to be correct in view of the fact that a co-accused had already shot at that deceased Sudhir Yadav and he had fallen down and thereafter another murder took place. So, it is improbable that thereafter Sudhir Yadav would be attacked. He also submitted that the petitioner has completed 11 months in custody and the allegation against him is omnibus and general in nature. He also referred to the statement of some of the witnesses and restatement of the informant and

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submitted that there is no such statement that when they were fleeing away they heard the sound of firing and they turned back and saw the petitioner and others firing at Sudhir Yadav.

Learned A.P.P. opposed the prayer and submitted that it is a case of double murder and from the postmortem report it would appear that the deceased Sudhir Yadav had sustained more than one fire arm injury. The petitioner has also remained only for 11 months in custody.

In view of above facts and circumstances of the case, I do not feel inclined to release the petitioner on bail. His prayer for bail is rejected for the present.

(Rekha Kumari,J.)

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Surendra/

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